

November 8, 2023

The Honorable Dick Durbin
U.S. Senate
711 Hart Office Building
Washington, D.C., 20510

The Honorable Lindsey Graham
U.S. Senate
211 Russell Office Building
Washington, D.C., 20510

The Honorable Jon Tester
U.S. Senate
311 Hart Office Building
Washington, D.C., 20510

The Honorable Jerry Moran
U.S. Senate
521 Dirksen Office Building
Washington, D.C., 20510

Dear Chairmen Durbin and Tester and Ranking Members Graham and Moran,

On behalf of the undersigned, which represent the interest and concerns of well over one million members of the Uniformed Services, their family members, retirees, and survivors, we are writing to express our disappointment regarding the Department of the Navy's and Department of Justice's new "elective option" settlement program for victims of toxic water exposure at Camp Lejeune. Addressing toxic exposure has long been a top priority of our organizations and we were proud to advocate for the Camp Lejeune Justice Act, which was intended to finally provide a fair and timely path for judicial relief for the servicemembers, veterans and family members who were exposed to contaminated water at Camp Lejeune between 1953 and 1987.

Many were initially hopeful that the Departments had finally addressed the plight of those affected by the Camp Lejeune water contamination crisis after not having settled a single claim since the law was passed 13 months ago. However, after examining the details of the new settlement program, the SOAA finds that the program falls woefully short of delivering justice to the brave veterans and their families who have suffered for decades.

The federal government's attempt to avoid responsibility for these veterans and their families is unacceptable. Members of Congress should not accept this new settlement program that was crafted without any input from the very claimants it is meant to serve.

To call your attention to a few of the more egregious parts of the new settlement, the proposed compensation limits are one of the most glaring and inadequate shortcomings, severely limiting compensation for veterans who spent less than five years on base. As both the Departments of the Navy and Justice well know, the overwhelming majority of servicemembers rarely spend five years at the base. This limit intentionally shortchanges victims who have endured immense suffering due to their exposure to the toxic water.

The elective option focuses on a veteran's length of exposure as a determining factor for compensation instead of considering the varying degrees of suffering experienced by veterans and their families. There is a lack of distinction between those who may have been treated for early-stage cancer and received early treatment for the illness and those Veterans who have endured severe sickness, multiple treatments, or even death. The new settlement program treats both cases as equals, based solely on the number of days spent on base, which is both unjust and inequitable.

For veterans and family members who suffer from multiple illnesses from exposure, the new settlement program allows those suffering to select only one illness for compensation; forcing those stricken with two or more diseases, such as bladder cancer and Parkinson's, to choose one ailment for compensation. Furthermore, the program designates several serious diseases, such as Parkinson's, as "Tier 2" conditions, which are irrelevant to the law. The law either recognizes a disease's causation or it doesn't; there is no need for this arbitrary tier system.

We also find that the additional wrongful death "bonus" of \$100,000 is an insignificant sum that fails to address the substantial financial and emotional losses endured by families who have lost a loved one prematurely. This amount is woefully insufficient and fails to provide meaningful support to grieving families.

Moreover, but possibly the most egregious, is the establishment of a 35-year latency period. This means that any Veterans and families whose illnesses were diagnosed more than 35 years after leaving Camp Lejeune are now deemed ineligible for compensation. This is particularly troubling because many diagnoses of diseases like Parkinson's and certain cancers occur later in life.

Finally, we understand that the government may not view payments under the Elective Option as "personal injury" payments, thereby potentially subjecting them to income taxation. That the government can pay people for poisoning them with one hand then take a significant amount back in taxes with the other is morally repugnant.

Although nothing can fully compensate these brave servicemembers and their families for the years of suffering and the cover-up of toxic water contamination at Camp Lejeune, we demand a more just and equitable process. The federal government must recognize the duty it owes to these individuals and cease attempts to evade its responsibility for the harm they have endured. Camp Lejeune families deserve nothing less than a fair and just resolution to their longstanding ordeal.

We urge members of Congress to stand with veterans in opposition to this entirely inadequate option offered by the Department of the Navy and Department of Justice. Our veterans deserve better.

Respectfully,

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[Flanders Fields](#)

[Freedom Bird Foundation](#)

[Heart of an Ace](#)

[Joint Operation North Star](#)

[NMRG Rescue Project](#)

[Operation 620](#)

[Operation Recovery](#)

[Ops Sacred Promise](#)

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[Rule 20](#)

[Special Operations Association of America](#)

[Stronghold Freedom Foundation](#)

[Task Force Argo](#)

[Task Force Pineapple](#)

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